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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,933	12/19/2001	Steven J. Hamrock	52506US013	2630

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EXAMINER

MCCLENDON, SANZA L

ART UNIT PAPER NUMBER

1731

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/027,933	Applicant(s) HAMROCK ET AL.	
	Examiner Sanza L McClendon	Art Unit 1711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 45-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-47, 49-57 and 59-62 is/are rejected.
- 7) ☒ Claim(s) 48, 58 and 63-65 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 09/242,078.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12192001</u> | 6) <input type="checkbox"/> Other:  |

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DETAILED ACTION

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 52-57 and 60-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Koreltz et al (5,637,559).

Koreltz et al teaches floor stripping compositions and method of use thereof. Said stripper comprises a) an effective amount of a specific class of alcohols, b) a coupler, and c) water. Said stripper composition is useful in removing coatings such as urethane/acrylic ester sealer finishes from flooring. In addition to the above components that composition can additionally comprise surfactants, thickening agents, fragrances and dyes—see column 5, lines 38-55. These additives appear to anticipate claims 55-57. Said coupler functions to increase the phase stability of the composition by increasing the apparent water solubility of the alcohol solvent—see column 4, lines 40-42. Because this is the definition for a hydrotrope, therefore claim 53 is anticipated.

3. Claims 45-46 and 49-51 are rejected under 35 U.S.C. 102(e) as anticipated by Wang et al (5,494,707).

Wang et al teaches resilient floor covering and methods of making the same. The floor covering comprises a) a support surface and b) a resilient support surface, wherein this comprises an underlying wear layer base coat and an overlying wear layer top coat adhered to said base coat. Said wear layer is preferably a transparent PVC layer used in flooring products—see column 10, lines 36-37. Said base coat is applied to and adhered to the support surface and cured or partially cured using UV

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light or thermal treatments—see column 10, lines 51-55. Said topcoat is applied over said base coat and is UV cured—see column 10, lines 56-59. The coating of said topcoat and base coat appear to anticipate claim 45. Said support layer (PVC layer) appears to anticipate claim 46-47. Said base coat may be a water-based UV curable or non-UV curable system comprising an acrylic or acrylate polymer—see column 8, lines 66-67 to column 9, lines 1-5. This appears to read on the acrylated latex of step (a). Said topcoat generally comprises a UV-curable blend of acrylic or acrylate monomers. This appears to anticipate claims 49-51, wherein the photoinitiator is inherent to the UV curable composition because it is well known that UV curable systems need a source of free radical, such as a photoinitiator, to polymerize in the presence of UV radiation.

4. Claim 62 is rejected under 35 U.S.C. 102(b) as being anticipated by Hauser et al (5,464,680) as evidenced by Sharma et al (5,538,760).

Hauser et al teaches methods of preparing plastic coated concrete formed panels. Said method includes a step of coating a primer a substrate surface. Said primer composition is an aqueous composition comprising a mixture of an acrylic resin, water, and coalescing agent with a methylated urea-formaldehyde resin. This appears to anticipate the primer composition of claim 62, wherein the coalescing agent reads on the surfactant, and the methylated urea-formaldehyde resin reads on the leveling agent as evidenced by Sharama et al, which teaches urea resin as leveling agents—see column 4, lines 53-54.

#### *Allowable Subject Matter*

5. Claims 48, 58, and 63-66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach a method for applying a protective coating to a substrate according to the method of claim 1, wherein the radiation coatable composition comprises an isocyanurate monomer. Nor does the prior art expressly teach and/or fairly suggest a stripper for a cured coating comprising water, benzyl alcohol, n-octylamine, glycolic acid, and a surfactant. The prior art, additionally, fails to expressly teach and/or fairly suggest a primer composition comprising an acrylated acrylic latex, water, a leveling agent, and a surfactant, wherein the primer has a solid content as defined in claims 63-65, nor wherein the leveling agent comprises an ammonium salt of a styrene-maleic anhydride copolymer.

#### *Conclusion*

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (703) 305-0505. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0657.

Sanza L McClendon  
Examiner  
Art Unit 1711

SMc

August 8, 2003

  
SAMUEL A. ACQUAH  
PRIMARY EXAMINER  
GROUP ~~100~~ 1700